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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,543	12/28/2004	Tomoki Ushida	122270	2587
25944 7590 05/14/2008 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
HEYI, HEKOK G				
ART UNIT		PAPER NUMBER		
2627				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/519,543

**Applicant(s)**

USHIDA ET AL.

**Examiner**

HENOK G. HEYI

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.  
4a) Of the above claim(s) 35-43 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 24-34 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 28 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of Group I in the reply filed on 01/23/2008 is acknowledged. The traversal is on the ground(s) that all claims are sufficiently related and a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. This is not found persuasive because the search for the manufacturing device of an optical recording medium is different from the search for an optical recording medium.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 24-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Jiro et al. JP 2002-063736 A (Jiro hereinafter).

Re claim 24, Jiro teaches an optical recording medium (Drawing 1) comprising: a disc-like shaped support substrate (a medium is a disc-like, para [0004]) including an information recording face at least on one side (recording layer front face, para [0004]); and a light transmitting resin layer formed on the support substrate on the information recording face side (transparence resin layer, para [0004]), wherein an annular convex portion projecting in a thickness direction so as to surround a center axis line of the support substrate is

formed on the resin layer, and the resin layer is extended to inside of the annular convex portion in a radial direction (an optical information medium laminated stair-like so that it may have at least a two-layer resin layer which is circular and has annular heights in an internal circumference edge and these each resin layer may not cover said annular heights of other resin layers, para [0011]).

Re claim 25, teaches the optical recording medium according to claim 24, wherein the annular convex portion is integrally formed with the resin layer (a feed hole 101 inserts in the annular projection 201 of a rotary table 200, para [0061] and see also Drawing 12).

Re claim 26, 27 and 28, Jiro teaches the optical recording medium according to claim 24 and/or 25, wherein the resin layer is formed so that a thickness of an inner part inside the annular convex portion in the radial direction is smaller than that of an outer part outside the annular convex portion in the radial direction (transparence resin layer formed with the spin coat method will become thick in the disk periphery section compared with the disk inner circumference section, para [0004]).

Re claim 29 and 30, Jiro teaches the optical recording medium according to claim 24 and/or 25, wherein the annular convex portion is formed in a circular ring shape concentric with the support substrate (the optical information media which is in a circle and has annular heights on the inner circumference edge, para [0011]).

Re claim 31 and 32, teaches the optical recording medium according to claim 24 and/or 25, wherein the annular convex portion is formed intermittently in a circumferential direction (the annular heights are exposed to the step side of this stair-like section, para [0072]).

Re claim 33 and 34, Jiro teaches the optical recording medium according to claim 24 and/or 25, wherein the support substrate has a stepwise shape with a step on the information recording face along the annular convex portion (the annular heights are exposed to the step side of this stair-like section, para [0072]).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Both Kamezaki and Asai are relevant to applicants claimed invention of a recording medium with disc shaped substrate, with light transmitting resin and an annular projection at the center hole.

### **Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENOK G. HEYI whose telephone number is (571)270-1816. The examiner can normally be reached on Monday to Friday 8:30 to 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Henok G Heyi/  
Examiner, Art Unit 2627

/TAN Xuan DINH/  
Primary Examiner, Art Unit 2627  
May 12, 2008